

## Memorandum of Agreement

This agreement modifies Article 23 of the current negotiated agreement between the Oak Ridge Operations Office and the Office of Scientific and Technical Information, and the Office and Professional Employees International Union, Local 268. This agreement is made in resolution of a grievance and entered into by and between all parties. This Memorandum of Agreement is effective upon signing by all parties and will be incorporated into the negotiated agreement upon its completion.

### Article 23, Adverse and Disciplinary Actions

#### Section 3, Paragraph D, Adverse Actions and Suspensions of 14 days or Less

The employee is entitled to one Union representative during the response period specified in any notice of proposed action. The employee, representative, and witnesses, if applicable, shall be given official time to review the material relied on to support the action, to secure affidavits, to prepare an answer, and to testify, to the extent they would otherwise be in a duty status.

#### Section 4, Paragraph B, Advance Notice

Employees will be given advance notice of all proposed suspensions and adverse actions. The following notice periods (given in calendar days) will apply:

1. For all suspensions, the notice period shall be at least 30 days.
2. For adverse actions, except furloughs, the notice period shall be at least 30 days.
3. For furloughs, the notice period shall be at least 30 days, unless the furlough is due to unforeseeable circumstances such as sudden breakdowns in equipment, acts of God, or sudden emergencies requiring immediate curtailment of activities.
4. For adverse actions based on reasonable cause to believe that the employee has committed a crime for which a sentence of imprisonment may be imposed, the notice period shall be 10 days.

Paragraph C, Crime Provision - Retain current language.

#### Paragraph D, Right to Respond

In all cases where a notice of proposed action is given to an employee, the employee will be given an opportunity to respond, either orally or in writing, to the reasons for the action prior to a decision to implement the action. The following response periods (given in calendar days) will apply:

1. For all suspensions, the response period shall be 30 days..
2. When the "Crime Provision" is invoked, the response period shall be at least 7 days.
3. For all other actions, the response period shall be 30 days.

#### Paragraph E, Response Procedures

The Assistant Managers or Office Heads, ORO, or Manager, OSTI, will serve as the deciding official for all actions under Section 3, paragraph D. The employee may choose to meet only with the deciding official or may choose an informal hearing which may include witnesses. In either case, the employee is entitled to a union representative.

1. If the employee chooses an informal hearing, the employee must notify the proposing official within 15 calendar days of receipt of the Notice of Proposed Action. At the time of notification, the employee must identify in writing any witnesses. Management will then have 5 calendar days to notify the Union of any management witnesses. Any changes to the witness list after this point will be made only by mutual written agreement.
2. Attendees at the informal hearing will include the deciding official, the employee, one Union representative, and the proposing official.
3. Only the Union representative, the deciding official, and the proposing official may question witnesses.
4. Witnesses will be granted official time to be interviewed by the union representative, to testify at the hearing, and to travel. Witnesses, other than those not co-located with the employee, shall remain in the work area until called to testify.
5. This paragraph will govern response procedures during the tenure of the current ORO Manager. At the time a new Manager is appointed, the Deputy Manager will serve as deciding official while this MOA is negotiated and amended, if necessary. Negotiations will begin no later than 30 calendar days, and will conclude no later than 120 calendar days, after appointment. If no agreement is reached, the parties agree that this MOA will remain in effect as is.

#### Paragraph F, Decisions

The decision letter will be issued within 15 calendar days of the response meeting and will state which charge or charges, if any, are sustained.

M. Dalton Cooper  
Union Representative

11-17-99  
Date

Russell A. Morel  
OSTI Representative

12-8-99  
Date

[Signature]  
ORO Representative

11/17/99  
Date